UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

JERMAINE FRAZIER,)
Petitioner,)
vs.) Orivit Action No. CV08-S-349-S
GARY HEITCELL, WARDEN;))
ATTORNEY GENERAL FOR)
THE STATE OF ALABAMA,)
)
Respondents.)

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on November 12, 2008, recommending that the petition for writ of habeas corpus be denied. On December 1, 2008, petitioner filed objections to the findings and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be, and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the petition for writ of habeas corpus is due to be DENIED. A Final Judgment will be entered.

Lynwood Smith

DONE this 3rd day of December, 2008.

United States District Judge